

**UNITED STATES DISTRICT COURT**  
for  
**EASTERN DISTRICT OF NEW YORK**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Michael J. Persico

Case Number: 0207 1:10CR00147

Name of Sentencing Judicial Officer: The Honorable Dora L. Irizarry, U.S. District Court Judge

Date of Original Sentence: July 21, 2017

Original Offense: Extortionate extension of credit conspiracy, 18 U.S.C. § 371, a Class D felony.

Original Sentence: Sixty (60) months' imprisonment, three (3) years' supervised release, with the following special conditions: 1) Firearm prohibition; 2) Full-time verifiable employment with full disclosure of any self-employment; 3) Full financial disclosure; 4) Refrain from contacting the victims of the instant offense, and orders of protection for the victims; 4) No associations with individuals associated with organized crime; and 5) Comply with fine payment schedule. A Special Assessment Fee (satisfied on September 29, 2017) and fine in the amount of \$250,000.00 (satisfied on January 4, 2019) were also ordered.

Type of Supervision: Supervised Release

Date Supervision Commences:

November 10, 2020

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**PETITIONING THE COURT**

☒ To modify the conditions of supervision as follows:

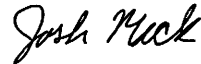
*You must submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.*

### CAUSE

Reference is made to Michael Persico (Persico) who was sentenced by Your Honor on July 21, 2017. On February 20, 2020, the Eastern District of New York Probation Department received correspondence from the Northern District of New York (NDNY) requesting a modification of the conditions of Persico's term of supervised release. Persico has requested a transfer of supervision to the NDNY upon his release from the Bureau of Prisons on November 10, 2020. He is currently incarcerated at Allenwood Low Federal Correctional Institution. According to the Presentence report, Persico was associated with the Colombo Organized Crime family and in addition to having an aggravated role in an extortion plot, Persico was involved with organizing a murder crew which included obtaining firearms. Consequently, we believe a search condition will better allow for appropriate supervision. The search condition requested is currently a standard condition in the NDNY, and Persico's acceptance to the NDNY is contingent upon the addition of this search condition.

In view of the above noted information, the Probation Department in the Northern District of New York respectfully requests that the conditions of supervised release be modified to include the search condition to ensure the safety of the community and ensure that Persico complies with his supervised release conditions. Persico has agreed to the addition of this condition as evident by the attached Waiver of Hearing form.

Respectfully submitted,



Joshua Mack  
U.S. Probation Officer  
Date: February 25, 2020

Approved by,



Richard Azarian  
Supervisory U.S. Probation Officer  
Date: February 25, 2020

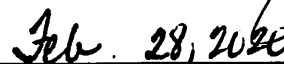
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### THE COURT ORDERS:

- ☒ The modification of conditions as noted above.
- ☐ No Action.
- ☐ Other



Signature of Judicial Officer



Date

Waiver of Hearing to Modify Conditions  
of Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NEW YORK**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. **I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed.** I agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

You must submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

Witness:

J. Wyllt, CSW

Signed:

Michael Persin  
Supervised Releasee

1/6/2020  
Date